

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/29/2021

In Re: New York City Policing During Summer 2020
Demonstrations

20-cv-8924 (CM)(GWG)
20-cv-10291 (CM)(GWG)
20-cv-10541 (CM)(GWG)
21-cv-322 (CM)(GWG)
21-cv-533 (CM)(GWG)
21-cv-1904 (CM)(GWG)

X

This item relates to

KAYLA ROLON, COREY GILZEAN, MICHAEL
HERNANDEZ, CHRISTOPHER HUSARY, KEITH
CLINGMAN, and JONATHAN PECK,

Plaintiffs,

21-CV-2548 (CM)(GWG)

-against-

THE CITY OF NEW YORK, THE NEW YORK
POLICE DEPARTMENT, MAYOR BILL DE
BLASIO, NYPD COMMISSIONER DERMOT
SHEA, NYPD CHIEF TERENCE MONAHAN, AND
POLICE OFFICERS WELLS, LARS FRANTZEN
(TAX ID. 936615), FIERRO (SHIELD NO. 88189),
JON BRODIE (88th PRECINCT), PICHARDO (40th
PRECINCT), EDUARD LUCERO, ALTAMIRANO
(TAX ID 960157), SGT. ROBERT DIXSON (TAX
ID. 934784), SGT SCOTT HALDEMAN, AND
JOHN AND JANE DOES 1-20, individually and in
their official capacities,

Defendants.

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ORDER CONSOLIDATING AND STAYING NEWLY FILED CASE

McMahon, J.:

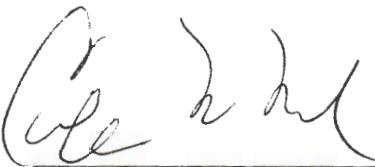
Yet another case has been filed on behalf of a discrete group of plaintiffs who otherwise be members of the plaintiff classes in the putative class actions that have already been filed in this group of consolidated cases.

The new case was filed as “related” to the existing cases, and the Assignment Committee has concluded that the new case should be assigned to me. It is, therefore, consolidated into the consolidated matter entitled “In re: New York City Policing During Summer 2020 Demonstrations.”

However, I do not intend to vary the scheduling order in the previously consolidated cases, in which motions to dismiss have been filed. Therefore, aside from serving process on the defendants (which must happen immediately), in an exercise of my discretion to control my calendar, the new case is stayed pending resolution of the earlier-filed cases. I cannot have the Corporation Counsel making new motions to dismiss every few weeks, or we will never get through discovery and on to the merits.

Decisions made by the court in those cases may or may not have collateral consequences for the newly-filed case, but if they do those consequences could only be positive for the plaintiffs. We are not slowing down the train to accommodate late filers of what are essentially “opt-out” lawsuits on behalf of persons whose interests are already represented in these actions (though they have a perfect right to opt out). Arrangements can and will be made for the sharing of discovery when the stay is lifted.

Dated: April 29, 2021



U.S.D.J.

BY ECT TO ALL COUNSEL